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House Bill _____
By _____

Senate Bill No.SB0240
By Dixon

AN ACT to amend Tennessee Code Annotated, Title 37, relative to proceedings in juvenile court.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 37, Chapter 1, is amended by adding the following as a new section:

Section_____.

(a) A juvenile court may, when the court determines that it is in the best interests of the child, join the child's parent or guardian and the person with whom the child resides, if other than the child's parent or guardian, as a respondent to a juvenile court action and may issue a summons requiring the parent or guardian and the person with whom the child resides, if other than the child's parent or guardian, to appear with the child at all proceedings under this chapter involving the child. If the parent or guardian of any child cannot be found, the court, in its discretion, may proceed with the case without the presence of such parent or guardian.

(b)(1) For the purposes of this section, "parent" includes a natural parent who has sole or joint custody, regardless of whether the parent is designated as the primary residential custodian, or an adoptive parent. This subsection shall not apply to any person whose parental rights have been terminated pursuant to the provisions of this title or the parent of an emancipated minor.

(2) For the purposes of this section, "emancipated minor" has the same meaning as set forth in Tennessee Code Annotated, Section 39-11-106(10).

(c) The summons shall require the person or persons having the physical custody of the juvenile, if other than a parent or guardian, to appear and to bring the juvenile before the court at a time and place stated.

(d) Whenever a parent or guardian or person with whom the juvenile resides, if other than the parent or guardian, who has received a summons to appear fails, without good cause, to appear on any date set by the court, a bench warrant shall be issued for the parent, guardian, or person with whom the juvenile resides and the parent, guardian or person with whom the juvenile resides shall be subject to contempt.

(e) For purposes of subsection (d), good cause for failing to appear shall include, but shall not be limited to, a situation where a parent or guardian:

(1) Does not have physical custody of the child and resides outside Tennessee;

(2) Has physical custody of the child, but resides outside of Tennessee and appearing in court will result in undue hardship to such parent or guardian; or

(3) Resides in Tennessee, but is outside of the state at the time of the juvenile proceeding for reasons other than avoiding appearance

before the court and appearing in court will result in undue hardship to such parent or guardian.

(f) The provisions of this section shall not be applicable to any proceeding in a case which has been transferred to the criminal court pursuant to the provisions of Tennessee Code Annotated, Section 37-1-134.

(g) The general assembly hereby declares that every parent or guardian whose child is the subject of a juvenile proceeding under this article should attend any such proceeding as often as is practicable.

(h) Nothing in this section shall be construed to create a right for any juvenile to have his or her parent or guardian present at any proceeding at which such juvenile is present.

SECTION 2. This act shall take effect on July 1, 1995, the public welfare requiring it.